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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,165	04/19/2006	Eric Thelen	DE030365US	1808

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EXAMINER
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CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
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2425

MAIL DATE	DELIVERY MODE
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04/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,165	<b>Applicant(s)</b> THELEN ET AL.	
	<b>Examiner</b> Pinkal R. Chokshi	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. In view of the Appeal Brief filed on 11/23/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 5-9, and 11-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,526,130 to Kim et al. (hereafter referenced as Kim) in view of US PG Pub 2005/0120373 to Thomas et al (hereafter referenced as Thomas).

Regarding **claim 1**, “a method for recording content on a record medium that contains a desired content descriptor” reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “method comprising the acts of: reading said desired content descriptor from said record medium” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to “scanning the content of at least one multimedia source for desired content that matches said desired content descriptor” Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “recording said desired content on said record medium” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor is already contained in a blank of said record medium, wherein inserting the record medium containing the desired content descriptor into a

recording device triggers the recording device to automatically perform the acts of scanning and recording.” However, Thomas discloses (§§0061, §§0067) that the STB is connected to a removable medium such as VCR or devices with storage capabilities such as Optical Discs, flash drive, etc. as represented in Fig. 2 (element 62). Thomas further discloses (§§0023, §§0177) that the reference to the digital content program is stored on a file on a removable medium. Thomas also discloses (§§0068, §§0179, §§0188) that the removable medium is inserted into the STB, where the interactive television application retrieves and store the digital content program on the removable medium as represented in Fig. 10. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim’s system by inserting a recording medium containing content descriptor into the recording device as taught by Thomas in order to perform the future record of the digital content program to the removable medium without requiring any further user interaction (§§0007).

Regarding **claim 5**, “the method, wherein said desired content descriptor contained in said record medium can be further altered and augmented” Thomas discloses (§§0148) that the user can add/remove programs from the listing as represented in Fig. 9. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 6**, “the method, wherein said desired content descriptor can be transferred from said record medium to a record medium of the same type or to a record medium of a different type” Thomas discloses (§0177) that the reference to the selected programs are created by the interactive television application of the STB and transferred to the removable medium. The claim would have been obvious because a person of ordinary skill has good reason (store back-up copy of the program information) to pursue the known options (transfer from removable medium to receiver or vice versa) within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Regarding **claim 7**, “the method, wherein said record medium is suited for electric and/or magnetic and/or optic recording of content” Kim discloses (abstract) that the video cassette recorder is used to record program. However, Thomas discloses (§0067) that the removable medium includes optical discs or magnetic storage. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 8**, “the method, wherein said desired content descriptor is a keyword or a list of keywords” Kim discloses (col.4, lines 45-56) that the user provides a program title by inputting word or words.

Regarding **claim 9**, “the method, wherein said desired content descriptor obeys a pre-defined content description format” Kim discloses (col.5, lines 16-19; col.6, lines 22-27) that the broadcast schedule recognition data identifies predefined program title used to distinguish desired program title from the other program titles. However, Thomas discloses (§0150) that the digital content programs are stored in a pre-defined format as represented in Fig. 9 (element 915). In addition, same motivation is used as rejection to claim 1.

Regarding **claim 11**, “the method, wherein said desired content descriptor is a pre-defined content descriptor” Thomas discloses (§0148) that the viewer is provided with the pre-defined programming listing, where user can further add/remove programs as represented in Fig. 9 (element 905). In addition, same motivation is used as rejection to claim 1.

Regarding **claim 12**, “the method, wherein said desired content descriptor is defined by the user of said method” Kim discloses (col.4, lines 46-47) that the user provides a program title via data input device.

Regarding **claim 13**, “the method, wherein said content from at least one multimedia source comprises image and/or audio and/or text information” Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted

from broadcast station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 14**, “the method, wherein said at least one multimedia source is a receiver for television and/or radio programs” Thomas discloses () that the removable medium is connected to a STB, where STB receives television channels as represented in Fig. 2. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 15**, “the method, wherein said at least one multimedia source is a device that is connected to a computer network, in particular to the internet” Thomas discloses (§0064) that the STB is connected to an Internet. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 16**, “the method wherein said act of scanning the content of said at least one multimedia source for said desired content comprises image and/or audio and/or word processing” Kim discloses (col.2, lines 51-55; col.4, lines 37-38) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device where the program titles are scanned and detected to match with user inputted program title.



Regarding **claim 17**, “the method, wherein said act of scanning the content of said at least one multimedia source for said desired content is performed dynamically depending on the available amount of content and/or on the already recorded content” Thomas discloses (§0095, §0143) that when viewer inserts the removable medium to the STB, interactive television application scans and retrieves the available programs stored on the STB/remote server. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim’s system to scan the recorded program content on the device as taught by Thomas in order to reproduce the instructed program from the recording medium quicker than scanning other devices to reproduce a desire program.

Regarding **claim 18**, “a machine-readable medium embodying a computer program, the computer program when executed by a processor is configured to perform the acts of claim 1” Thomas discloses (claims 70-76) that the machine-readable medium comprises machine readable instructions recorded thereon to do record the program on the removable medium. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to install the program on computer readable medium as taught by THomas so the user, without TV equipments, can use computer device to run the above operation.

Regarding **claim 19**, “a device for recording content on a record medium that contains a desired content descriptor” reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “device comprising: means for reading said desired content descriptor from said record medium” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to “means for scanning the content of at least one multimedia source for desired content that matches said desired content descriptor” Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “means for recording said desired content on said record medium” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor is already contained in a blank of said record medium, wherein connecting the record medium containing the desired content descriptor to the device triggers the scanning means to automatically perform the scanning and recording.” However, Thomas discloses (§0061, §0067) that the STB is connected to a removable medium such as VCR or devices with storage capabilities such as Optical Discs, flash drive, etc. as represented in Fig. 2

(element 62). Thomas further discloses (§§0023, §0177) that the reference to the digital content program is stored on a file on a removable medium. Thomas also discloses (§§0068, §0179, §0188) that the removable medium is inserted into the STB, where the interactive television application retrieves and store the digital content program on the removable medium as represented in Fig. 10. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim's system by inserting a recording medium containing content descriptor into the recording device as taught by Thomas in order to perform the future record of the digital content program to the removable medium without requiring any further user interaction (§0007).

Regarding **claim 20**, "the device wherein said means for scanning the content of said at least one multimedia source for said desired content comprises means for image and/or audio and/or word processing" Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 21**, "a record medium comprising a desired content descriptor" reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to “means for reading said desired content descriptor from said record medium to trigger the scanning of content of at least one multimedia source” Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device. Kim further discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to “for desired content that matches said desired content descriptor and that is recorded on said record medium” Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except “wherein said desired content descriptor is already contained in a blank of said record medium, wherein the record medium is configured to trigger a recording device to automatically perform the scanning of the content and recording the desired content in response to connecting the record medium to the device.” However, Thomas discloses (¶0061, ¶0067) that the STB is connected to a removable medium such as VCR or devices with storage capabilities such as Optical Discs, flash drive, etc. as represented in Fig. 2 (element 62). Thomas further discloses (¶0023, ¶0177) that the reference to the digital content program is stored on a file on a removable medium. Thomas also discloses (¶0068, ¶0179, ¶0188) that the removable medium is inserted into the STB, where the interactive television application retrieves and store the digital content program on the removable medium as represented in Fig. 10. Therefore, it would have been obvious to one

of the ordinary skills in the art at the time of the invention to modify Kim's system by inserting a recording medium containing content descriptor into the recording device as taught by Thomas in order to perform the future record of the digital content program to the removable medium without requiring any further user interaction (§0007).

Regarding **claim 22**, "the record medium wherein said record medium is suited for electric and/or magnetic and/or optic recording of content" " Kim discloses (abstract) that the video cassette recorder is used to record program. However, Thomas discloses (§0067) that the removable medium includes optical discs or magnetic storage. In addition, same motivation is used as rejection to claim 21.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Thomas as applied to claim 1 above, and further in view of US PG Pub 2002/0174430 to Ellis et al (hereafter referenced as Ellis).

Regarding **claim 4**, combination of Kim and Thomas meets all the limitations of the claim except "the method wherein said desired content descriptor contained in said record medium cannot be further altered or augmented." However, Ellis discloses (§0184) that the edit button may not provide user with the ability to edit program information as represented in Fig. 3. Therefore, it would have been obvious to one of ordinary skills in the art at the

time of the invention to modify Kim and Thomas' systems by not providing option to alter content descriptor to user as taught by Ellis so the content descriptor can not be erased by error.

5. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Thomas as applied to claim 1 above, and further in view of US Patent 7,171,174 to Ellis et al (hereafter referenced as Ellis'174).

Regarding **claim 6**, "the method, wherein said desired content descriptor can be transferred from said record medium to a record medium of the same type or to a record medium of a different type" Thomas discloses (§0177) that the reference to the selected programs are created by the interactive television application of the STB and transferred to the removable medium. However, combination of Kim and Thomas does not explicitly teach that the content descriptor can be transferred from said record medium to another record medium. Ellis'174 discloses (col.6, lines 9-10; col.7, lines 38-41; col10, line 59-col.11, line 3) that the user preference information stored on a flash memory can be transferred to a memory within the controller 145 as represented in Fig. 1 and 2 (element 145). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim and Thomas' systems by transferring preference information between recording medium as taught by Ellis'174 in order to have a backup copy of the preference information and also to record program on the storage medium of the other device.

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Thomas as applied to claim 1 above, and further in view of US PG Pub 2006/0072354 to Ohnuma (hereafter referenced as Ohnuma).

Regarding **claim 10**, “the method wherein said desired content descriptor comprises multimedia samples” Kim discloses (col.4, lines 52-56) that the program titles inputted by user are for the desired broadcast program.

Combination of Kim and Thomas meets all the limitations of the claim except “descriptor comprises multimedia samples.” However, Ohnuma discloses (¶0066 and ¶0067) that the user selects the desired program to record from the sample of broadcast program attributes given on the screen as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim and Thomas’ systems to use multimedia sample to record the desired program as taught by Ohnuma in order to record the desired program in the recording medium when viewers can not remember program name.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US PG Pub 2002/0021766 to Iwai

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/  
Examiner, Art Unit 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425